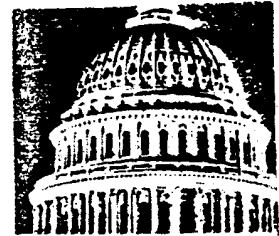


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Editor's Page



## DANGLING JUSTICE

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**A**ppointment of a three-man committee at the Justice Department to investigate whether Bert Lance violated any criminal laws means that the President's close friend has been added to a prize selection of present and former officials who have been hung out on the line to dangle endlessly in the wind.

A prominent example of what we are talking about is the case of Richard Helms, the former CIA Director, who has faced the possibility of indictment for perjury for well over two years now. He admittedly gave a misleading answer to a Senate committee in a public hearing in 1973. Yet two Attorneys General under two Presidents claim they have been unable to reach a decision on whether he should be prosecuted. So Helms is left to dangle.

Another example is former FBI Special Agent John J. Kearney. He was indicted last April for his alleged use of illegal techniques in the pursuit of members of a terrorist group. More than a year ago, two former top officials of the Bureau said publicly that they ordered such activities. Attorney General Bell has said on several occasions that the possibility of further indictments was under consideration. But months have gone by without a decision. Meanwhile, those who face possible indictment dangle in the wind, and FBI morale sags.

Still another example: The indictment of Tongsun Park in the "Koreagate" case was delayed until Park had returned to Korea, which does not have an extradition treaty with the U.S., after a long stay in England, which does have such a treaty. For months, Justice officials were unable even to interview him, let alone return him to stand trial.

**T**he Lance case fits the pattern—a grievous inability of the Justice Department to do its business in an expeditious manner. For a year, the U.S. Attorney's office in Atlanta had in its files a case involving possible illegal actions by Lance as a Georgia banker. The case gathered dust all that time. It was only when the appoint-

ment of Lance to a top post in the new Administration seemed imminent that the Department brought itself to make a decision—to close the case. Whether or not the case should have been closed is now being debated.

With the possible exception of the Korean bribery investigation, where facts are still being gathered, each of these cases appears to present a fairly simple, straightforward situation, requiring a decision based on the law and the evidence already in hand.

**A** question to be asked is whether the Justice Department has become a morass where private reputations and public business simply disappear into the quicksand.

It is important to ask that question now because the Justice Department is fighting vigorously to keep the Government's legal business to itself—to be the lawyers for virtually all the executive branch. It has 3,689 attorneys on its staff, and does not like to see other agencies adding—as they have—their own lawyers by the thousands, and stealing its thunder.

The Department's latest struggle is with the Federal Energy Administration over who should prosecute cases involving several billions of dollars of alleged overcharges for oil in the aftermath of the Arab oil embargo of 1973. Some administrative Ping Pong is going on here, while justice is being delayed and taxpayers' money is being eaten up.

Government-reorganization studies now being made by the Office of Management and Budget show that at present 25 different agencies and departments have won the right to take their own cases to court. The study is seeking to determine whether greater responsibility should be concentrated in the Justice Department for conducting the nation's legal business.

If the Department is to be given such broad responsibility, we have a right to expect it to do a much more efficient and expeditious job than it seems to be doing.